

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

(Hearing and Oral Argument Waived)

**REQUEST FOR AN ENTRY OF AN ORDER ALLOWING
DEFENDANTS TO SUBMIT ON A HARD DRIVE ELECTRONIC COPIES OF
CERTAIN TRIAL EXHIBITS TO THE CLERK OF THE COURT**

Defendants Cox Communications, Inc. and CoxCom, LLC (“Cox”), respectfully move this Court for an order for leave to file certain of their trial exhibits on a hard drive, rather than in hard copy. In support, Cox states as follows:

1. Local Civil Rule 79 states that “[i]n all civil actions, unless otherwise ordered by the Court, the party intending to offer exhibits at trial shall place them in a binder, properly tabbed, numbered, and indexed, and the original and two (2) copies shall be delivered to the Clerk, with copies in the same form to the opposing party, one (1) business day before the trial. The submitting party may substitute photographs for demonstrative or sensitive exhibits.”

2. The following Cox trial exhibits are either electronic spreadsheets containing voluminous data or otherwise voluminous: DX 4, DX 23, DX 29, DX 30, DX 31, DX 46, DX 47, DX 48, DX 55, DX 56, DX 57, DX 59, DX 100, DX 122, DX 125, DX 141, DX 142, DX 143, DX 154, DX 155, DX 156, DX 157, DX 158, DX 159, DX 160, DX 161, DX 213, DX 249, DX 251, DX 333, DX 336, DX 337, DX 350, DX 351, DX 352, DX 353, DX 354, DX 355, DX 356, DX 357, DX 358, DX 359, DX 360, DX 361, DX 362, DX 3757.

3. Converting these exhibits to hard copy is not reasonably practical due to their length and would render them illegible. If the exhibits were printed as hard copy documents, each .csv file would span hundreds of pages. They would also be illegible because the columns would span across multiple pages. Furthermore, it would be difficult to filter and analyze hard copy versions of these exhibits. Electronically, the files can be opened, viewed, and searched using Microsoft Excel.

4. Under the Rules, the Clerk “must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice.” Fed. R. Civ. P. 5(d)(4). Cox seeks an order allowing the Clerk to accept the hard-drive for filing with the judicial record in this case.

5. A proposed order allowing this relief is submitted herewith.

For the reasons stated above, Cox asks this Court for entry of the attached order.

Dated: November 22, 2019

Respectfully submitted,

s/ Thomas M. Buchanan

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CERTIFICATE OF SERVICE

I certify that on November 22, 2019, a copy of the foregoing was filed electronically with the Clerk of Court using the ECF system, which will send notifications to ECF participants.

/s/ Thomas M. Buchanan

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